

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREEPLAY MUSIC, LLC,

Plaintiff,

- against-

MAKITA CORPORATION and  
MAKITA U.S.A., INC.

Defendants.

**AFFIDAVIT  
OF SERVICE**

Civil Action No.  
13-CV-05235 (JPO / FM)

STATE OF NEW YORK )  
COUNTY OF ALBANY ) SS.:

**Kevin R. Dayer**, being duly sworn, deposes and says:

1. I am over the age of 21 years, not a party to this action, and reside in the State of New York.

2. On February 6, 2014, at approximately 3:58 p.m., I served Plaintiff's **Third Amended Summons and Third Amended Complaint for Copyright Infringement, with exhibits annexed thereto**, in the above-captioned matter, upon **MAKITA U.S.A., INC.**, pursuant to Section 306 of the New York Business Corporation Law, by personally delivering and leaving duplicate copies of said papers with Chad Matice, a person authorized to accept service on behalf of the New York State Secretary of State, Department of State, 99 Washington Avenue, Albany, New York.

3. At the time said service was made, the statutory fee of \$40.00 was paid by deponent to the New York State Department of State.



KEVIN R. DAYER

Sworn to before me this  
6<sup>th</sup> day of February, 2014

  
\_\_\_\_\_  
Notary Public

KAREN PLUDE  
Notary Public, State of New York  
No. 01PL6224192  
Qualified in Westchester County  
Commission Expires June 28, 2014